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<u>REMARKS / DISCUSSION OF ISSUES</u>

Claims 1-16 are pending in the application.

The Office action objects to the specification, requesting that the current status of all cited references to copending applications be updated with their current status. To avoid having to update the status continually, the applicant prefers to provide this update upon receipt of a notice of allowability in this case.

The Office action objects to the amendment filed on 4 April 2007, asserting that the amendment introduces new matter. The applicant respectfully disagrees with this assertion.

The Office action repeatedly asserts that there is no teaching that data can be retrieved from a server based on an identifier of a predefined URL. The Examiner's attention is directed to the statements in the applicant's former responses, and in particular to the following cite from the applicant's Appeal Brief of 29 November 2007:

> "At page 8, lines 13-15, the applicant introduces a "variety of embodiments" for the look-up and retrieval of a web-page address. Examples of indirect retrieval of a URL based on an identifier of the URL are presented at page 8, lines 16-28 (DCM of HAVi device), page 9, lines 3-11 (UPnP mapping of IP addresses), page 11, line 28 – page 12, line 2 (URL look-up table), page 12, line 27 – page 13, line 2 (device-type identifier mapped to URL)."

The Office action fails to address these specific references to identifiers of the URL, and it is unclear to the applicant why, for example, the Examiner maintains this position in view of:

> "The ISP or third party maintains a look-up table or another conversion means that ***translates an identifier*** representative of a type of apparatus and sent from the home network ***into a URL*** of a web page or file at a topical server." (Applicant's page 12, lines 28-30.)

It is clear from the above that the data at the web page or file is retrieved in response to an identifier that is translated into a URL. The applicant respectfully maintains that an identifier that can be translated into a URL is an identifier of the URL. The other references to the applicant's specification also clearly indicate that an identifier is used instead of the actual URL.

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Because the applicant clearly teaches the retrieval of data from a server based on a URL or an identifier thereof, the applicant respectfully maintains that the amendment filed on 4 April 2007 is supported in the applicant's specification.

The Office action also asserts that the newly added FIG. 3 adds new matter. The applicant respectfully disagrees with this assertion, and respectfully notes that the Office action fails to identify which elements in FIG. 3 are not included in the applicant's specification.

All of the elements in FIG. 3 are included in the specification as originally filed. See, for example, the applicant's Summary of the Invention, and in particular, page 3, second paragraph, and page 8, second and third paragraphs. Accordingly, the applicant respectfully maintains that the new drawing submitted on 4 April 2007 does not add new matter, and should be admitted.

The Office action rejects claims 1-16 under 35 U.S.C. 112, first and second paragraphs. The applicant respectfully traverses these rejections.

The Office action repeatedly uses the phrase "the use of an identifier *directly* to retrieve the data from the server". The applicant respectfully note that the term "directly" is not used in any of the applicant's claims, and the asserted lack of teaching of the use of an identifier *directly* to retrieve data from a server has no bearing on the applicant's claims.

The Office action asserts that the conversion of an identifier into a URL is an essential element of the applicant's claims. The applicant respectfully disagrees with this assertion.

MPEP 2172.01 states:

"A claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. 112, first paragraph, as not enabling." And,

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> "In addition, a claim which fails to interrelate essential elements of the invention as
> defined by applicant(s) in the specification may be rejected under 35 U.S.C. 112,
> second paragraph, for failure to point out and distinctly claim the invention."

Claim 1 recites: "A consumer apparatus responsive to a user-input for initiating
retrieval of data from a server based on a predetermined URL or an identifier thereof
associated with the apparatus, the data representing content information about the
context of usage of the apparatus."

As is clear, claim 1 addresses the consumer apparatus; as noted above, the
identifier of the URL may be translated to the URL at a remote server. The consumer
device does not require such a translator, and thus a claim to a consumer device
need not include this limitation.

In like manner, claim 5 recites a proxy device with similar capabilities. There is
no requirement for the proxy device to translate an identifier into a URL, and thus no
requirement to include this limitation in claim 5.

In like manner, claim 12 recites a remote control device. There is no
requirement for the remote control device to translate an identifier into a URL, and
thus no requirement to include this limitation in claim 12.

Additionally, claims 1, 5, and 12 allow for the consumer apparatus, proxy
device, or remote control device to supply the URL directly, in which case a translator
is not required.

Claim 13 recites a method that includes sending of a request with an identifier
representative of a type of the apparatus to a server on the Internet and, based on
the identifier, the server initiating user access to a web page with content information
about a context of using the apparatus. As taught by the applicant:

> "Alternatively, the URLs are stored elsewhere, e.g., at a server of the ISP or
> at a special server of a third party. The ISP or third party maintains a look-up
> table or another conversion means that translates an identifier representative
> of a type of apparatus and sent from the home network into a URL of a web
> page or file at a topical server. The home network then sends to a particular
> server on the Internet an identifier of the apparatus for which topical content
> information is being sought."

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That is, the server that receives the user's request with the identifier may access another server to retrieve the web page based on the identifier. The server that receives the user's request does not require a translator that translates the identifier to a URL, and thus there is no requirement to include this limitation in claim 13.

The applicant's specification does not describe that the translation of an identifier of a URL must occur in the claimed consumer apparatus, or at the claimed proxy device, or at the remote control device, or at the server that receives the user request; as such, the translation of an identifier to a URL is not defined in the specification as being **_essential to_** any of **_the claims_** 1, 5, 12, and 13. Accordingly, the applicant respectfully maintains that the rejection of claims 1-16 under 35 U.S.C. 112, first and second paragraphs is unfounded, per MPEP 2172.01, and should be withdrawn.

The Office action also repeatedly asserts that the conversion of a URL into an IP address is an essential element of the applicant's invention. The applicant respectfully disagrees with this assertion. As is well known in the art, the success of URL is that it is protocol independent. A URL may, for example, be in the form of "http://example.org", and an http request need not use TCP/IP:

> "HTTP is not constrained to using TCP/IP and its supporting layers, although this is its most popular application on the Internet. Indeed HTTP can be implemented on top of any other protocol on the Internet, or on other networks. HTTP only presumes a reliable transport; any protocol that provides such guarantees can be used." (Wikipedia, "Hypertext Transfer Protocol", third paragraph.)

Because the translation of a URL to a TCP/IP address is not an essential element of the applicant's claims, the applicant respectfully maintain that the rejection of claims 1-16 under 35 U.S.C. 112, second paragraph, is unfounded, and should be reversed.

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The Office action rejects claims 1-16 under 35 U.S.C. 102(e) over Humpleman et al. (USP 6,288,716, hereinafter Humpleman). The applicant respectfully traverses this rejection.

MPEP 2131 states:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Humpleman fails to teach a consumer apparatus responsive to a user-input for initiating retrieval of data from a server based on a predetermined URL or an identifier thereof associated with the apparatus, the data representing content information about the context of usage of the apparatus, as claimed in claim 1, upon which claims 2-4 depend. The Office action asserts that claims 6-16 are rejected on the same grounds as claims 1-4.

In Humpleman, the consumer apparatus being controlled is the server; this consumer apparatus is configured to contain the web-page that facilitates control of this apparatus:

"According to one aspect of the invention, a first home device that is capable of displaying user interface data is connected to the home network. A **second home device that stores user interface data** which defines a user interface **for commanding and controlling the second home device**, is also connected to the home network. The **first home device receives the user interface data from the second home device** over the home network." (Humpleman, column 2, lines 46-53.)

Humpleman's consumer apparatus that is being controlled (the second home device) *provides* the web-page, it does not *retrieve* the web page based on a URL, as specifically claimed in claim 1.

Because Humpleman's consumer apparatus does not retrieve a web page from a server, it cannot be said that Humpleman's teachings are identical to the applicant's claimed invention. Accordingly, the applicant respectfully maintains that the rejection of claims 1-4 and 6-16 under 35 U.S.C. 102(e) over Humpleman is unfounded, per MPEP 2131, and should be withdrawn.

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Humpleman fails to teach a proxy device for representing an apparatus on a home network, wherein the proxy device is responsive to a user-input for initiating, via a gateway, retrieval of data from a remote server based on a predetermined URL or identifier thereof associated with the apparatus represented, the URL or identifier thereof being stored on the home network, as claimed in claim 5, upon which claims 6-10 depend.

The Office action does not address claim 5, does not identify where Humpleman teaches a proxy device, and does not address where Humpleman teaches retrieving data from a remote server. Accordingly, the applicant respectfully maintains that the rejection of claims 5-10 under 35 U.S.C. 102(e) over Humpleman is unfounded, per MPEP 2131.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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